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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) No. Cr. F 02-5094 LJO
12)
Plaintiff,) **STIPULATED MOTION TO REDUCE**
13) **SENTENCE PURSUANT TO 18 U.S.C.**
v.) **§ 3582(c)(2); ORDER**
14)
DANIEL MARTINEZ SANDOVAL,) **RETROACTIVE CRACK COCAINE**
15) **REDUCTION CASE**
Defendant.)
16) Judge: LAWRENCE J. O'NEILL
_____)

17 Defendant, DANIEL MARTINEZ SANDOVAL, by and through his attorney,
18 Assistant Federal Defender David M. Porter, and plaintiff, UNITED
19 STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney
20 KATHLEEN ANNE SERVATIUS, hereby stipulate as follows:

21 1. Pursuant to 18 U.S.C. § 3582(c)(2), this court may reduce the
22 term of imprisonment in the case of a defendant who has been sentenced
23 to a term of imprisonment based on a sentencing range that has
24 subsequently been lowered by the Sentencing Commission pursuant to 28
25 U.S.C. § 994(o);

26 2. On May 19, 2003, this Court sentenced Mr. Sandoval to an
27 aggregate term of imprisonment of 144 months, comprised of 48 months
28 each on counts one, two and three, to be served consecutively, for

1 violation of 21 U.S.C. § 843(b);

2 3. On May 14, 2008, pursuant to a stipulation of the parties,
3 the Court resentenced Mr. Sandoval to an aggregate term of 138 months.

4 4. The sentencing range applicable to Mr. Sandoval was
5 subsequently lowered by the United States Sentencing Commission in
6 Amendment 750;

7 5. Accordingly, Mr. Sandoval's adjusted offense level has been
8 reduced from 27 to 23, and a sentence at the comparable point of the
9 newly applicable guideline range would be 99 months;

10 6. Mr. Sandoval merits a reduction in his sentence based on the
11 factors listed in 18 U.S.C. § 3553(a), as well as considerations of
12 public safety and Mr. Sandoval's positive post-sentencing conduct;

13 7. Accordingly, the parties request the court to enter the order
14 lodged herewith on November 1, 2011, reducing Mr. Sandoval's term of
15 imprisonment to an aggregate term of 99 months, to be comprised of a
16 term of 33 months on each of counts one, two, and three, to be served
17 consecutively.

18 Dated: October 28, 2011

19 Respectfully submitted,

20 BENJAMIN B. WAGNER
21 United States Attorney

DANIEL J. BRODERICK
Federal Defender

22 /s/ Kathleen Anne Servatius
23 KATHLEEN ANNE SERVATIUS
24 Assistant U.S. Attorney

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender

Attorney for Plaintiff
25 UNITED STATES OF AMERICA

Attorney for Movant
DANIEL MARTINEZ SANDOVAL

1 **ORDER**

2 This matter came before the Court on the stipulated motion of the
3 defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

4 The parties agree, and the Court finds, that Mr. Sandoval is
5 entitled to the benefit of the retroactive amendment reducing crack
6 cocaine penalties, which reduces the total offense level from 27 to 23,
7 and an appropriate sentence within the new applicable guideline range
8 would be 99 months.

9 IT IS HEREBY ORDERED that the term of imprisonment imposed on May
10 14, 2008 is reduced to an aggregate term of 99 months, to be comprised
11 of a term of 33 months on each of counts one, two, and three, to be
12 served consecutively.

13 The provisions of this order are stayed up to and including
14 November 11, 2011, to permit the Bureau of Prisons to make appropriate
15 release arrangements.

16 IT IS FURTHER ORDERED that all other terms and provisions of the
17 original judgment remain in effect.

18 Unless otherwise ordered, Mr. Sandoval shall report to the United
19 States Probation office closest to the release destination within
20 seventy-two hours after his release.

21 IT IS SO ORDERED.

22 **Dated: November 1, 2011**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE